IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 17489 of 1994

Between:

Smt. M. Lakshmi Prasanna W/o Chandrashekara Rao
BHPV Telugu Medium Primary School, Visakhapatnam, Vizag Dist.

..... PETITIONER

AND

1. The Chairman BHPV School Managing Committee, Visakhaptnam
2. The Secretary & Correspondent BHPV School, Managing Comittee, Visakhapatnam
3. Sri V. Sreerama Murthy Enquiry Officer & Senior Personnel Officer BHPV Ltd., Visakhapatnam.
4. The District Educational Officer Visakhapatnam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, Order or direction particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in purporting to conduct an enquiry in respect of the charges framed in the year 1992 having closed the matter after covering the amounts long back and seeking to appoint the 3rd Respondent as Enquiry Officer as wholly illegal, arbitrary and without jurisdiction and voilative of the rules

Counsel for the Petitioner: MR.M.PANDURANGA RAO

Counsel for the Respondent No.1 to 3 : P.Nageshwar Sree

Counsel for the Respondent No.4: GP FOR EDUCATION

The Court made the following:

ORDER:

The appointment of the Enquiry Officer is challenged in this Writ Petition. The petitioner was working as S.G.Teacher in B.H.P.V.Telugu Medium Primary School, Visakhapatnam is charged with certain misconduct and a charge sheet was issued and Enquiry Officer was appointed to conduct the enquiry. At that point of time the petitioner preferred this Writ Petition.

The third respondent Enquiry Officer is not an officer in the School and that he is an outsider and therefore, such a person cannot be appointed as Enquiry Officer.

I am afraid I cannot accept this contention at this intermediary stage. If ultimately any order adverse to the interest of the petitioner is passed, it is open for the petitioner to urge the said ground also. Thus, I do not find any merit in the Writ Petition and accordingly the same is dismissed. No costs.

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15-07-2004

To

1. 2 CD copies to GP for Education, High Court Bldgs. Hyd. (OUT)
2. 2 CCs

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